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Viewing cable 09STATE2552, NOTIFICATION OF SANCTIONS: A.Q. KHAN AND

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Reference ID	Created	Released	Classification	Origin
09STATE2552	2009-01-09 23:36	2011-08-30 01:44	SECRET	Secretary of State

Appears in these articles:

http://www.letemps.ch/swiss_papers

VZCZCXYZ0016
OO RUEHWEB

DE RUEHC #2552 0092353
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O 092336Z JAN 09
FM SECSTATE WASHDC
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S E C R E T STATE 002552

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E.O. 12958: DECL: 01/09/2018
TAGS: [ETTC](#) [EFIN](#) [KNNP](#) [MNUC](#) [PARM](#) [PINS](#) [PREL](#) [UNVIE](#)
SUBJECT: NOTIFICATION OF SANCTIONS: A.Q. KHAN AND ASSOCIATES

Classified By: IO PDAS James B. Warlick for reasons 1.4 (b)(c)(d)

¶1. (U) This is an action request. Please see paragraph three.

SUMMARY

¶2. (S) Sanctions have been imposed under the Nuclear Proliferation Prevention Act (NPPA), the Export Import Bank Act (EXIM), and Executive Order

OBJECTIVES/ACTION REQUEST

¶3. (S) Post is requested to achieve the following objectives:

- Notify IAEA officials sometime after 9am EST January 12 that on January 12 the U.S. imposed sanctions on 13 people and three companies for espionage.
- Emphasize that no sanctions were imposed on governments and that the overall sanctions decision reflects the diverse and global nature of the network.
- Post can draw from information from the legal paper in para 5, points in the media note in para six, and press guidance in para seven.

SUGGESTED TALKING POINTS

¶4. (SECRET/rel IAEA)

- I wanted to inform you of a legal process that has concluded in the U.S.
- U.S. nonproliferation law requires that sanctions be imposed in certain circumstances; the activities of Dr. Khan and some of his associates are among them.
- The U.S. has decided to impose sanctions on individuals and companies listed in a media note that was released on January 12.
- This is a very complex case that involved a large volume of information and many people and companies across the globe.
- The U.S. sanctions laws and executive orders involved include the Nuclear Proliferation Prevention Act (NPPA), the Export Import Bank Act (EXIM), and Executive Order 12958.
- This legal non-paper describes in more detail the specific sanctions and penalties involved.
- The U.S. decision was announced on January 12 and will soon be printed in the Federal Register.
- This U.S. decision is not directed at any country. In fact, as we highlight in our public statement, many countries contributed to international efforts to prevent proliferation.
- The sanctions decision reflects the diverse and global nature of the network.
- No sanctions were imposed on governments.
- As IAEA knows, the actions of the A.Q. Khan network have irrevocably changed the proliferation landscape and will have lasting implications.
- These sanctions will help prevent and deter future proliferation-related activities and provide a warning to other would-be proliferators.
- It is imperative that all countries remain vigilant in order to ensure that Khan network associates or others seeking to pursue similar proliferation activities are identified and sanctioned.
- If Asked: Will there be any additional sanctions on these individuals?

We don't foresee, at this time, the imposition of additional sanctions related to these activities.

-- If Asked: Will you share your findings with us?

We can not share details of the sanction decision but don't believe the information we have would contribute to a different understanding of the network.

End suggested talking points.

LEGAL NONPAPER

15. (U) Begin non-paper:

Nuclear Proliferation Prevention Act (NPPA)

The NPPA provides for the mandatory imposition of a ban on U.S. procurement from any person who, on or after June 30, 1994, knowingly and materially
Once imposed, the sanction shall apply for a period of at least 12 months, but can thereafter be terminated if reliable information indicates that the person
Export-Import Bank Act (EXIM)

The EXIM provides for the mandatory imposition of a ban on the Export-Import Bank, its guaranteeing, insuring, or extending credit, or participating in
This sanction can be terminated if the U.S. determines and certifies in writing to the Congress that reliable information indicates that the sanctions
Executive Orders 12938 and 13382

These Executive Orders (E.O.) provide the authority to impose measures against a foreign person that has engaged or attempted to engage in activities
The sanctions under E.O. 12938 include: a ban on U.S. departments, and agencies, procurement from, or entering into contracts for procurement with
The E.O. 12938 sanctions may be terminated if there is reliable evidence that the foreign person has ceased the activities that led to the imposition
The sanction under E.O. 13382 is that all property and interests in property of the designated entity, that are in the U.S. or subject to the jurisdiction
in.

Sanctions under E.O. 13382 may be lifted when circumstances no longer warrant their imposition.

End non-paper.

MEDIA NOTE

16. (U) Post can draw from the following Media Note after 0900 EST January 12.

Begin Media Note:

For Immediate Release
January 12, 2009

Designation of A.Q. Khan and Associates for Nuclear Proliferation Activities

Today, the Department of State announced that sanctions will be imposed on 13 individuals and three private companies for their involvement in
We believe these sanctions will help prevent future proliferation-related activities by these private entities, provide a warning to other would-be
Dr. A.Q. Khan led an extensive international network for the proliferation of nuclear equipment and know-how that provided a one-stop shopping
The network's actions have irrevocably changed the proliferation landscape and have had lasting implications for international security. Government
Many of Dr. Khan's associates are either in custody, being prosecuted, or have been convicted of crimes. Dr. Khan publicly acknowledged his involvement
Sanctions have been imposed under the following statutes as follows:

Nuclear Proliferation Prevention Act (NPPA): Selim Alguadisi, Kursad Zafer Cicek, Muhammad Nasim ud Din, EKA Elektronik Kontrol Aletleri Sanayi
Export-Import Bank Act (EXIM): Selim Alguadisi, Kursad Zafer Cicek, Muhammad Nasim ud Din, EKA Elektronik Kontrol Aletleri Sanayi ve Ticaret A.S.
Executive Order 12938: Selim Alguadisi, Kursad Zafer Cicek, Muhammad Nasim ud Din, EKA Elektronik Kontrol Aletleri Sanayi ve Ticaret A.S., ETI El
End media note.

Press Guidance

17. (U) Post can draw from the ISN Press Guidance after 0900 EST January 12.

Begin Press Guidance:

ISN Contingency Press Guidance January 12, 2009

A.Q. Khan Network: Sanctions

General Questions

Q: What specifically did A.Q. Khan and his network transfer? What did these people do to trigger sanctions?

These entities were sanctioned for engaging in nuclear-related proliferation activities as part of the international A.Q. Khan network.

In particular, Dr. Khan and his associates in a number of countries provided Iran and Libya with centrifuge components, designs, and, in some cases
These illicit transfers by the Khan network have been reported in the press for a number of years. I cannot comment on additional specific intelligence
Today, the imposition of sanctions on private companies and individuals does not reflect recent proliferation activity by the network.

Q: Why haven't you sanctioned any countries?

The authorities under which sanctions are being imposed do not target countries. Governments around the world, including Pakistan, South Africa

Q: Why has it taken four years to impose sanctions?

This is a very complex case that involved a large volume of information and many people and companies across the globe.

We have been working diligently for the past four years to assemble and properly evaluate the available information. Given the consequences of

Q: Why couldn't you have sanctioned some entities earlier instead of waiting four years?

Information continued to become available as other countries concluded their investigations or prosecutions and we believed in this case that it

Q: Did you tell the affected governments prior to public announcement?

Yes, governments were notified in advance that the United States intends to impose proliferation sanctions on these private companies and individuals

Q: What sanctions authorities were used to impose penalties?

There are two sanctions laws and two Executive Orders that provide the basis for the imposition of sanctions in this case. The sanctions laws

Q: What do these authorities require?

The NPPA provides for the mandatory imposition of a ban on U.S. procurement from any person who, on or after June 30, 1994, knowingly and materially

The EXIM provides for the mandatory imposition of a ban on the Export-Import Bank, its guaranteeing, insuring, or extending credit, or participating in

The Executive Orders provide the authority to impose measures against a foreign person that has engaged or attempted to engage in activities or

Q: What penalties can be imposed pursuant to these sanctions authorities?

These sanctions are not being applied to any governments, but to private companies and individuals. In brief, the NPPA provides for a ban on U.S.

Q: What impact, if any, will these sanctions have?

These sanctions will help prevent and deter future proliferation-related activities and provide a warning to other would-be proliferators.

Q: What can companies and individuals do to have sanctions rescinded?

Each law treats this issue differently. I refer you to the statutes.

Q: Is the A.Q. Khan network still active? If so, what are we doing about it?

We do not believe that the network run by A.Q. Khan is still functioning.

Most of the key people involved with the network have been put out of business, are in jail and/or facing prosecution.

We remain concerned that individuals associated with the network, once they are released from jail or are no longer being closely monitored, continue activities.

Q: Do remnants of the network still exist? What are we doing about them?

Saying the Khan network is no longer functioning does not mean that other proliferation-related networks and activity around the world has stopped.

We know, for example, that Iran has utilized several different front and Iranian companies to purchase particular items of proliferation concern.

Several of these entities and companies were identified in UN Security Council Resolutions 1737, 1747, and 1803 in connection with their involvement.

The U.S. has taken action against many of these entities, including designations under E.O. 13382. More information on E.O. 13382 designation is available at www.eo13382.gov.

Country Specific Questions

Pakistan

Q: Wasn't the Government of Pakistan involved or at least knew what was going on?

The government of Pakistan assured us it had nothing to do with the network and we have no information to refute this.

We applaud the actions Pakistan took to shut down and investigate the network.

In the years since the public revelation of the Khan network, the government of Pakistan also has taken a number of positive steps to improve its nuclear program.

Q: Why haven't we had direct access to Khan?

We appreciate the cooperation the government of Pakistan has provided the IAEA and the United States. We believe that Pakistan took seriously our concerns.

Pakistan has assured us that it will not be a source of proliferation in the future.

The United States does not need direct access to A.Q. Khan in order to obtain information about his dealings.

Q: Reports indicate that Pakistan is easing restrictions on Khan. What is your reaction to this?

We appreciate Pakistan's efforts in shutting down the proliferation network led by A.Q. Khan as well as the cooperation Pakistan has provided to the United States.

We believe Dr. Khan is still a proliferation threat to the world and the proliferation support that he and his associates provided to several countries.

Q: Khan recently said he was forced to confess. If we haven't had access to Khan then how do we know he was complicit?

We have information from other sources indicating that Khan was complicit in nuclear-related transfers to several countries.

Q: Any response to statements by Pakistan that it wants to put the A.Q. Khan issue to rest or that the U.S. has not passed questions on Khan, such as the IAEA?

The U.S. appreciates the cooperation Pakistan has provided the U.S. and IAEA.

Such cooperation will continue to be important as we work toward a greater understanding of what the network provided to various countries.

Q: Will there be any additional sanctions on these individuals?

We don't foresee, at this time, the imposition of additional sanctions related to these activities.

Q: Why didn't you sanction Khan Research Labs?

I can't comment on individual decisions.

Q: What effect will these sanctions have on our relationship with Pakistan, specifically, our counter-terrorism relationship?

These sanctions are based on activities by individuals that occurred well in the past and have been public for many years.

We appreciate Pakistan's efforts in shutting down the Khan proliferation network as well as the cooperation Pakistan has provided to the United States.

The United States has a close partnership with Pakistan on counter-terrorism, nonproliferation, and other issues.

Q: Do you think these sanctions will have an effect on the India-Pakistan relationship?

These sanctions are based on activities by individuals that occurred well in the past and have been public for many years.

Questions about India and Pakistan's relationship are best answered by those countries.

Switzerland

Q: Is it true that the U.S. asked Switzerland to destroy nuclear documents?

We have no comment.

Q: Why aren't you sanctioning any of the Tinnings? Is it because they were spies for the U.S.?

We have no comment.

Sanctions Decisions:

Q: Didn't the Khan network include many more people and companies than you sanctioned, including the Tinner family, Henk Slebos, and companies?

The decision to impose sanctions is based on a thorough review of all available information.

While I cannot comment on individual decisions, I can note that we did not impose sanctions on companies that are no longer operating.

Q: Why did you designate some people under E.O. 13382 but not others?

The decision to impose sanctions is based on a thorough review of all available information.

I can't comment on individual sanction decisions.

Q: Why did you sanction Lerch, Geiges, and Wisser under EXIM, but not under the NPPA?

The decision to impose sanctions is based on a thorough review of all available information.

I can't comment on individual sanction decisions.

Q: What about Libya, Iran and North Korea? They bought these items, why haven't we sanctioned them?

These sanctions focus on individuals and companies associated with the Khan network. As such, the governments that acquired these items are not sanctioned.

Iran and the DPRK are subject to a wide array of sanctions, including UNSCRs 1737, 1747, 1803, and 1718 respectively. In addition, sanctions were imposed on the DPRK.

In the case of Libya, once it made the strategic 2003 decision to dismantle its WMD program, it then cooperated with the USG to facilitate that process.

Q: Aren't these kinds of sanctions really toothless with little impact?

Sanctions help signal strong U.S. opposition to the activities of the A.Q. Khan network, expose publicly those involved, and serve as a deterrent.

Sanctions imposed under Executive Order 13382 will allow the U.S. to seize assets held under U.S. jurisdiction and thereby help prevent future proliferation.

Q: What about North Korea) are sanctions in the works for their nuclear transfers to Syria?

The DPRK is subject to a wide array of sanctions, including UNSCR 1718 and a number of other U.S. sanctions related to its transfers of items p

Q: What have we learned about Khan,s efforts to assist Iran,s nuclear program?

The IAEA has detailed in various reports that Iran has admitted to a relationship with the Khan network) the same network that provided nuclea

The &hemispheres document8 contains instructions for casting enriched uranium metal into hemispheres, which the IAEA,s January 2006 report note

Beginning with the November 2003 report, the IAEA Director General confirmed that for almost 20 years, Iran had been pursuing undeclared work i

Q: What have we learned about Khan,s efforts to assist North Korea,s nuclear program?

Former Pakistani President Musharraf has previously acknowledged that Dr. A.Q. Khan and his international network provided sensitive centrifuge

Q: Were there other customer of Khan,s network?

Questions remain as to whether there were other customers.

End Press Guidance.

REPORTING DEADLINE

18. (U) Please report within ten working days of receipt of this cable. Please use SIPDIS caption on all responses.

POINT OF CONTACT

19. (U) Washington point of contact for follow-up information is Caroline Russell and Chris Herrington, ISN/CPI, 647-5035.
RICE